



Sheet 1 of 1

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 128571	APPLICATION NO. 11/477,364
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		APPLICANT(S) Keiko YOSHITAKE et al.			
		FILING DATE June 30, 2006		GROUP 1755	
U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Date	Name	
	1	2006/0171072 A1	08/03/2006	ADAMS	
AJG	2	5,919,298	07/06/1999	GRIFFITH et al.	
AJG	3	6,025,455	02/15/2000	YOSHITAKE et al.	
AJG	4	5,009,874	04/23/1991	PARMENTIER et al.	
AJG	5	2003/0035888 A1	02/20/2003	ERIYAMA et al.	
FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract With English Translation
AJG	6	EP 0 928 818 A2	07/14/1999	EUROPE	X
AJG	7	EP 0 881 192	12/02/1998	EUROPE	X
AJG	8	EP 0 287 418	10/19/1988	EUROPE	X
AJG	9	WO 01/55030 A2	08/02/2001	WIPO	X
OTHER DOCUMENTS					
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)			
EXAMINER <u>/Anthony Green/</u>				DATE CONSIDERED <u>12/05/2006</u>	
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

*Cite No. 1. c-ited previously by examiner*

Date: November 7, 2006

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,180	UPADHYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ljiljana (Lil) V. Ciric 	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10/30/2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-109 is/are pending in the application.  
4a) Of the above claim(s) none is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-109 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 through 75 and 94 through 109, drawn to a device for micro-scaled heat exchange, classified in class 165, subclass 80.2+
  - II. Claims 76 through 93, drawn to a method of making a micro-scaled heat exchange device, classified in class 29, subclass 890.03.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process that is Invention II as claimed can be used to make a product, which unlike the product that is Invention I as claimed, necessarily comprises a micro-scaled region made of silicon coupled to a spreader region made of copper. Alternately in the instant case, the product that is Invention I as claimed can be made by a process which, unlike the process that is Invention II as claimed, necessarily includes the step of forming fluid flow passages in a micro-scaled region of the heat exchange device or of providing a means for supplying fluid or of configuring a means for micro-scaled fluid flow to receive fluid from a means for supplying fluid.
3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

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5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Cirim whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ljiljana (Lil) V. CIRIC  
Primary Examiner  
Art Unit 3744

lvc